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EXAMINER				
RUIZ, ANGELICA				
ART UNIT		PAPER NUMBER		
2158				
NOTIFICATION DATE		DELIVERY MODE		
12/18/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/582,635

Applicant(s)

CHOI ET AL.

Examiner

ANGELICA RUIZ

Art Unit

2158

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. The Action is responsive to Applicant's amendment, filed on September 8, 2009.
2. It is acknowledged that as a result of the amendment, Claims 1 and 11 have been amended.
3. Claims 1-20 are pending.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new grounds of rejection necessitated by Applicant's amendment of the claims.

Applicant argues in substance that the newly added "index configuration" by the user is not taught by the previously presented art of record the Examiner further submits a new reference Hind et al. that discloses the claim language as presented.

USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re

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Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Claim Rejections - 35 USC § 101

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.
6. In view of the amendments to the claims, and based on the telephone conference on July 29, in which the Applicant's representative explained that the "control unit" being implemented in accordance with Par [0047]; the Examiner withdraws all pending rejections under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon (US 2002/0152267 A1), in view of Hind et al (US 2003/0069900 A1).

A per Claim 1, Lennon discloses:

- A device for managing multimedia content in a portable digital apparatus, comprising: (Abstract) and (Par [0246]-[0247], includes the "hand portable electronic devices") and (Fig. 12).

- an input unit for receiving index configuration from a user so that the multimedia content are classified; and (Par [0059]), including the "user input"

- a control unit which produces index information for the multimedia content having the indexes configured according to the received index configuration; and. (Par [0100], "Fig. 15... the transform uses these references as the values of the mb:Id attribute. If these identifiers did carry significance to the user of the metadata then these attributes could have been transformed into index descriptors as, for example, the DC.Description attribute of the Scene element 1544."; Par [0184], "...constructed by the user providing a text query in a search entry box 410 and selecting a simple search function 412. The user is also able to construct an advanced structured query using a list of the available index descriptors...", the "user" input is used by the system to transform it into "index descriptors" being the "classified" based on the "input"

- a storing unit for storing a plurality of multimedia content with index information.

(Par [0058, having a "memory unit" being the "storing unit" as claimed.

Lennon do not specifically discloses that the input received from the user is with the purpose of "index configuration from the user"

Hind discloses the "index configuration from the user" (See Fig. 7 and Par [0025], "index are learned upon detecting occurrence of user-configurable actions...user-specific preferences...")

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Hind into the method of Lennon to take advantage of using user's preferences to present the index. The modification would have been obvious because one of the ordinary skills in the art would implement using the user's preferences to provide the user with a personalized output of multimedia content (Hind, Par [0038]).

As per Claim 2, the rejection of Claim 1 is incorporated and further Lennon discloses:

- further comprising an output unit which provides a graphical user interface (GUI) screen for showing the multimedia content

(Par [0058], "The computer module 901 typically includes at least one processor unit 905, a memory unit 906, for example formed from semiconductor random access memory (RAM) and read only memory (ROM), input/output (I/O) interfaces including a audio-visual interface 907...") and (Par [0265] The user interface described above with reference to FIG. 4 is, like most graphical user interfaces (GUI's)...") and (Par [0256]).

As per Claim 3, the rejection of Claim 1 is incorporated and further Lennon discloses:

- wherein the input unit comprises at least one of a physical button, and a user menu using a graphical user interface (GUI) screen.

(Par [0247], "... 1414 associated with the car equipment 1412, and through depression of a transmit button 1408, the telephone 1404 transmits the metadata associated with the session to the car equipment 1412.") and (Par [0267]), in the mentioned example the device included is a "telephone" which is well known at the time of the invention the mentioned devices encompass "physical button" as claimed.

As per Claim 4, the rejection of Claim 1 is incorporated and further Lennon discloses:

- wherein the control unit is configured to group predetermined multimedia content into a single multimedia group, for the multimedia content with the configured indexes.

(Par [0150], "The schema document also contains declarations for the following TOC descriptors Category, SubCategory, Class and Image. Each of these descriptors is defined to contain the attribute group...") and (Fig. 7).

As per Claim 5, the rejection of Claim 4 is incorporated and further Lennon does not disclose:

- wherein the control unit is configured to manage the multimedia content under different folders

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(Par [0292], "The arrangements of FIG. 18A to 18D provide ways of automatically showing information about items and collections of items (in this case links to metadata) when the collection is opened for viewing. Unlike prior art arrangements, the information is displayed..." and (Par [0298]), shows that "the collection item" being the "folder" as claimed.

As per Claim 6, the rejection of Claim 4 is incorporated and further Lennon discloses:

- wherein the control unit is configured to create tag information for the multimedia content with the configured indexes.

(Par [0074], "...that descriptors are represented with the element (tag) name being the descriptor name and the content of the element being descriptor value."), the "descriptors" being the "tag" as claimed. And (Par [0079]).

As per Claim 7, the rejection of Claim 4 is incorporated and further Lennon discloses:

- wherein the control unit is configured to create metadata files for the grouped multimedia content for the multimedia content with the configured indexes.

(Abstract, "system is described in which a media browser (101), operating as a software application on a user terminal or preferably a server for a number of users, provides a user with a single user interface that facilitates browsing and

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searching different metadata collections over the Internet...”) and (Par [0083]), shows the creating “metadata”

As per Claim 8, the rejection of Claim 7 is incorporated and further Lennon discloses:

- wherein the metadata file comprises at least an index name for a group, and a start or end number of multimedia content contained in the group, wherein the multimedia belongs to the group.

(Par [0078]), including the “Example A” that shows the “attributeGroup name” being the “name for a group” as claimed. And (Fig. 7) shows a start and end for the “multimedia content in the group”.

As per Claim 9, the rejection of Claim 8 is incorporated and further Lennon discloses:

- wherein the metadata file is provided in extensible markup language (XML) format.

(Par [0071], “The preferred arrangement assumes that all descriptions of multimedia items conform to a schema, and that schemas are expressed or represented using the W3C schema language, XML Schema. Individual descriptions are represented using XML document instances. XML Schemas are also represented as XML documents. Therefore descriptions (eg. of multimedia items) can be stored along with their respective schemas in XML repositories or

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object stores. Alternatively, the descriptions can be stored in a database and effectively translated into XML documents when required.”)

As per Claim 10, the rejection of Claim 4 is incorporated and further Lennon discloses:

- wherein the control unit is configured to represent the multimedia content under folders, based on the index information, or to represent only multimedia content with the configured tag information.

(Par [0038], “FIG. 7 depicts a structured image metadata database”) shows the “Tag information” as claimed. And (Par [0107]).

9. **As per Claims 11-12 and 14- 20**, being the method claims corresponding to the device claims 1-2 and 4-10 respectively and rejected under the same reason set forth in connection of the rejections of Claims 1-2 and 4-10 and further Lennon discloses: (Title, “Method for facilitating access to multimedia content”.

As per Claim 13, the rejection of Claim 11 is incorporated and further Lennon discloses:

- wherein the selecting multimedia content comprises at least one of input from a user, and change of date.

(Par [0059]), includes the “user input” as claimed. And (Par [0074]), shows the descriptor value being the “date”.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELICA RUIZ whose telephone number is (571)270-3158. The examiner can normally be reached on 8:00 a.m. to 4:30 p.m., ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angelica Ruiz/
Examiner, Art Unit 2158

/Mohammad Ali/
Supervisory Patent Examiner, Art
Unit 2158